

CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

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122.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

122.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Peddler" means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. "Solicitor" means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. "Transient merchant" means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

122.03 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

122.04 APPLICATION FOR LICENSE. An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address and business address if any. The application shall also set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business and the length of time sought to be covered by the license. An application fee of ten dollars (\$10.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

122.05 LICENSE FEES. Every licensee shall pay the following fees before a license shall be issued:

1. For one day or any part thereof — \$25.00
2. For more than one day up to one week — \$10.00 per day
3. For one week — \$50.00
4. For more than one week but not more than one month — \$25.00 per week and \$10.00 for any day or fraction thereof
5. For one month — \$100.00
6. For longer than one month — all fees shall be computed by first computing the monthly fee, then the weekly fee, then the daily fee and the sum of these fees shall be the fee charged.

122.06 BOND REQUIRED. Before a license under this chapter is issued, each applicant shall post a bond of \$500.00 with the Clerk. Such bond shall be conditioned to indemnify and pay the City for any penalties or costs occasioned by the enforcement of this chapter and shall not be retired until after a lapse of six months from the expiration of each license. In addition, each applicant for a transient merchant's license shall provide to the City Administrator evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the Code of Iowa.

122.07 LICENSE ISSUED. If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately.

122.08 DISPLAY OF LICENSE. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

122.09 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

122.10 REBATES ON LICENSES. On surrender of any license before the expiration of the full period for which it was issued, the licensee may apply for a rebate of the fee from the Clerk. Determination of the amount of the rebate shall be made by deducting from the fee paid the amount payable when computed on a monthly, weekly and daily basis from the first day the license was issued. The balance, if any, shall be refunded.

122.11 EXPIRATION OF LICENSE. All licenses granted under this chapter shall expire at six o'clock (6:00) p.m. of the last day for which the license is issued.

122.12 REVOCATION OF LICENSE. The Council, after notice and hearing, may revoke any license issued under this chapter when the licensee has made fraudulent statements in the application for the license or in the course of conducting business, has made fraudulent or incorrect statements or has violated this chapter or has otherwise conducted business in an unlawful manner.

122.13 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the bona fide local school districts conducting projects sponsored by organizations recognized by the schools.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

122.14 CHARITABLE AND NONPROFIT ORGANIZATIONS.

Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504A of the Code of Iowa desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 through 122.06. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization the Clerk shall issue, free of charge, a license containing the above information to the applicant.

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APPLICATION FOR PEDDLER'S LICENSE FOR PROFIT

AS SET FORTH IN MOUNT VERNON, IOWA, CODE OF ORDINANCES, CHAPTER 122.

APPLICANTS NAME _____

APPLICANT'S PERMANENT ADDRESS _____

APPLICANT'S LOCAL ADDRESS _____

APPLICANT'S BUSINESS ADDRESS _____

APPLICANT'S EMPLOYER _____

EMPLOYER'S ADDRESS _____

NATURE OF BUSINESS _____

LAST THREE PLACES OF SUCH BUSINESS _____

LENGTH OF TIME SOUGHT TO BE COVERED BY LICENSE _____

LICENSE FEE PER SCHEDULE CONTAINED IN SECTION 122.05 _____

POSTING OF BOND IN AMOUNT OF \$500.00 CONDITIONED TO INDEMNIFY AND PAY THE CITY FOR ANY PENALTIES OR COSTS OCCASIONED BY THE ENFORCEMENT OF THIS CHAPTER. SAID BOND NOT TO BE RETURNED UNTIL AFTER A LAPSE OF SIX MONTHS FROM EXPIRATION OF EACH LICENSE.

PROOF OF FILING A BOND WITH THE SECRETARY OF STATE IN ACCORDANCE WITH CHAPTER 81A OF THE CODE OF IOWA.

LICENSE ISSUED UNDER TERMS AND CONDITIONS SET FORTH IN CHAPTER 122 OF THE MOUNT VERNON, IOWA, CODE OF ORDINANCES.

_____ APPLICANT SIGNATURE

_____ DATE

_____ CHRISTOPHER NOSBISCH, CITY ADMINISTRATOR